

IN THE CIRCUIT COURT FOR PINELLAS COUNTY, FLORIDA
CIRCUIT CIVIL DIVISION

FRANK FALCO and
ROBERTA J. PRETE,

Case No.:

Plaintiffs,

vs.

W.R. GRACE & CO., a
Florida corporation,
TIMOTHY L. FISHER and
THOMAS J. MOMMAERTS,

Defendants.

COMPLAINT

The Plaintiffs, FRANK FALCO and ROBERTA J. PRETE, by and through their undersigned attorney, sue the Defendants, W.R. GRACE & CO., a Florida corporation, TIMOTHY L. FISHER and THOMAS J. MOMMAERTS, and allege:

General Allegations

1. This is an action for damages which are in excess of FIFTEEN THOUSAND DOLLARS (\$15,000.00), exclusive of costs and interest.
2. At all times material hereto, the Plaintiff, FRANK FALCO, was and is a resident of Pinellas County, Florida.
3. At all times material hereto, the Plaintiff, ROBERTA J. PRETE, was and is a resident of Pinellas County, Florida.
4. At all times material hereto, the Defendant, TIMOTHY L. FISHER, was and is a resident of Pinellas County, Florida.

5. At all times material hereto, the Defendant, THOMAS J. MOMMAERTS, was and is a resident of Pinellas County, Florida.

6. At all times material hereto, the Defendant, W.R. GRACE & CO., was and is a corporation duly organized and licensed to do business in the State of Florida.

7. On or about March 20, 1995 at approximately 3:51 p.m. at or near the intersection of State Road 595 and State Road 586, in the City of Dunedin, Pinellas County, Florida, the Defendant, THOMAS J. MOMMAERTS, negligently maintained, controlled and operated a motor vehicle owned by the Defendant, W.R. GRACE & CO., so as to cause said automobile to collide with and against an automobile that collided with the automobile owned and operated by the Plaintiff, ROBERTA J. PRETE, in which the Plaintiff, FRANK FALCO, was a passenger, causing serious bodily injuries to the Plaintiffs, FRANK FALCO and ROBERTA J. PRETE.

8. On or about March 20, 1995 at approximately 3:51 p.m. at or near the intersection of State Road 595 and State Road 586, in the City of Dunedin, Pinellas County, Florida, the Defendant, TIMOTHY L. FISHER, negligently maintained, controlled and operated a motor vehicle owned by the Defendant, TIMOTHY L. FISHER, so as to cause said automobile to collide with and against the automobile owned and operated by the Plaintiff, ROBERTA J. PRETE, in which the Plaintiff, FRANK FALCO, was a passenger, causing serious bodily injuries to the Plaintiffs, FRANK FALCO and ROBERTA J. PRETE.

9. At all times material hereto, the Defendant, THOMAS J. MOMMAERTS, had the consent and acquiescence of the Defendant, W.R. GRACE & CO., to operate the vehicle owned by the Defendant, W.R. GRACE & CO.

COUNT I

10. The Plaintiff, FRANK FALCO, realleges paragraphs 1 through 9 of the General Allegations.

11. As a direct and proximate result of the aforesaid negligence of the Defendants, W.R. GRACE & CO., TIMOTHY L. FISHER and THOMAS J. MOMMAERTS, the Plaintiff, FRANK FALCO, was injured in and about his body and extremities, suffered bodily injury and resulting pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money and aggravation of a previously existing condition. The losses are either permanent or continuing in nature and the Plaintiff will suffer the losses in the future.

WHEREFORE, the Plaintiff, FRANK FALCO, demands judgment against the Defendants, W.R. GRACE & CO., a Florida corporation, TIMOTHY L. FISHER and THOMAS J. MOMMAERTS, for an amount in excess of FIFTEEN THOUSAND DOLLARS (\$15,000.00), exclusive of costs and interest, and further demands a trial by jury.

COUNT II

12. The Plaintiff, ROBERTA J. PRETE, realleges paragraphs 1 through 9 of the General Allegations.

13. As a direct and proximate result of the aforesaid negligence of the Defendants, W.R. GRACE & CO., TIMOTHY L. FISHER and THOMAS J. MOMMAERTS, the Plaintiff, ROBERTA J. PRETE, was injured in and about her body and extremities, suffered bodily injury and resulting pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money and aggravation of a previously existing condition. The losses are either permanent or continuing in nature and the Plaintiff will suffer the losses in the future.

WHEREFORE, the Plaintiff, ROBERTA J. PRETE, demands judgment against the Defendants, W.R. GRACE & CO., a Florida corporation, TIMOTHY L. FISHER and THOMAS J. MOMMAERTS, for an amount in excess of FIFTEEN THOUSAND DOLLARS (\$15,000.00), exclusive of costs and interest, and further demands a trial by jury.

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